

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>06/10/2025</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BLAKE LIVELY,

Plaintiff,

-v-

WAYFARER STUDIOS LLC, JUSTIN BALDONI,
JAMEY HEATH, STEVE SAROWITZ, IT ENDS WITH
US MOVIE LLC, MELISSA NATHAN, THE AGENCY
GROUP PR LLC, JENNIFER ABEL, JED WALLACE,
STREET RELATIONS INC.,

Defendants.
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WAYFARER STUDIOS LLC, JUSTIN BALDONI,
JAMEY HEATH, IT ENDS WITH US MOVIE LLC,
MELISSA NATHAN, JENNIFER ABEL, STEVE
SAROWITZ,

Plaintiffs,

-v-

BLAKE LIVELY, RYAN REYNOLDS, LESLIE
SLOANE, VISION PR, INC., THE NEW YORK TIMES
COMPANY,

Defendants.
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LEWIS J. LIMAN, United States District Judge:

Blake Lively (“Lively”) moves to compel Wayfarer Studios LLC and It Ends With Us Movie LLC (together, the “Wayfarer Entities”) to produce materials responsive to Lively’s Fourth Set of Requests for Production. Dkt. No. 228; *see* Dkt. No. 239. The Wayfarer Entities have opposed the motion. Dkt. Nos. 233, 320. The motion is denied.

On or about December 24, 2025, Wayfarer retained Raines Feldman Littrell LLP to conduct an internal investigation into Lively’s allegations. Dkt. No. 320-1 ¶ 2. The investigation seeks to “develop factual findings and legal analysis for Wayfarer’s use in evaluating potential liability and formulating legal strategy.” *Id.* ¶ 5. Lively seeks: “(1) all documents and communications concerning the Investigation; (2) all notes, recordings, and interview memoranda; (3) documents identifying each person contacted or interviewed; and (4) all communications between the Investigators and any person concerning the Investigation.” Dkt. No. 228 at 2. These communications and documents are protected attorney-client communications or attorney work product. They are either communications with counsel for the purpose of obtaining legal assistance or documents prepared by counsel in anticipation of litigation. *See In re Gen. Motors LLC Ignition Switch Litig.*, 80 F. Supp. 3d 521, 532 (S.D.N.Y. 2015) (“Interview notes and memoranda produced in the course of similar internal investigations have long been considered classic attorney work product.”); *Parneros v. Barnes & Noble, Inc.*, 332 F.R.D. 482, 493–94 (S.D.N.Y. 2019); *In re Initial Pub. Offering Sec. Litig.*, 249 F.R.D. 457, 465 (S.D.N.Y. 2008); *United States v. Adlman*, 134 F.3d 1194, 1197–1203 (2d Cir. 1998).¹

Lively argues that Wayfarer waived any applicable privilege by placing the adequacy of the investigation at issue via its thirteenth affirmative defense, which states that Wayfarer has “appropriately, completely, and fully performed” any obligations arising out of the matters alleged in Lively’s complaint. Dkt. No. 148 ¶ 495. However, Wayfarer has stated that the thirteenth affirmative defense “has nothing to do with the Investigation now underway.” Dkt.

¹ Under the work product doctrine, factual work product is discoverable upon a showing of substantial need and undue hardship. *See United States v. Mount Sinai Hosp.*, 185 F. Supp. 3d 383, 390 (S.D.N.Y. 2016). Lively has not made any such showing here.

No. 233 at 2. Wayfarer will be precluded from relying on the current investigation in support of the relevant affirmative defense.

The motion to compel is DENIED.

The Clerk of Court is respectfully directed to close Dkt. No. 228.

SO ORDERED.

Dated: June 16, 2025
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written above a horizontal line.

LEWIS J. LIMAN
United States District Judge